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Media Release
June 3, 2010

Consensus legislation seeks to reform Delaware's drug laws
Bill is 'a bold step forward in creatively fighting crime'

Dover – Delaware's sentencing guidelines will be updated to more effectively deter and punish drug crimes under a bill drafted by the Attorney General's Office and introduced in the House of Representatives today. House Bill 443, sponsored by Rep. Melanie George and Sen. Harris McDowell, reflects a consensus after months of talks among a full spectrum of stakeholders. The Attorney General's Office brought all sides together, including police agencies, criminal justice reform advocates, the Public Defender's office, the Department of Correction, and others. In addition, the measure has been endorsed unanimously by the Delaware Police Chief's Council and Delaware Sentencing Accountability Commission.

"Attorney General Biden believes these reforms represent a bold step forward in keeping our communities safer," stated Chief Deputy Attorney General Charlie Butler. "He has often said that new times often require creative ways to fight crime – realities today are different than thirty years ago. Our drug laws haven't been changed in decades. That's why the Attorney General brought together a broad spectrum of stakeholders to develop this comprehensive legislation. We're pleased that all the various parties we invited to the table, especially law enforcement, are supporting this bill."

Rep. Melanie L. George, D-Bear, the lead sponsor of HB 443, said the revisions to Delaware's drug crimes are long overdue and will make important reforms to the state's criminal justice system. "Because taxpayer dollars are used to operate our prisons, we must ensure that we are using those funds wisely to incarcerate those who should be kept in prison," said Rep. George, who chairs the House Judiciary Committee. "We must focus our efforts on keeping those who present a serious danger to society off our streets. "I want to thank all of the stakeholders who came together to reach a consensus that represents what is best for Delawareans, especially Attorney General Biden's office, which worked hard to collaborate with several groups with differing opinions. I look forward to seeing this bill pass both the House and Senate before our session ends in four weeks."

Specifically, the legislation:

- Emphasizes that the punitive aspects of drug laws are aimed at drug dealers
- Allows greater judicial discretion for drug crimes involving extraordinary circumstances and eliminates convoluted and special sentencing provisions for drug crimes
- Simplifies and streamlines charging decisions for police agencies to a single charge for many drug felonies

- Increases penalties for those dealing in substantial quantities of narcotic prescription drugs and for drug dealers who resist arrest with force or violence
Retains minimum prison sentences for drug felonies involving certain amounts of drugs or aggravating factors such as prior offenses and eliminates minimum sentences for some first-time offenders who would face such sentences under current law
- Protects children by increasing the penalty a drug dealer faces for committing a drug crime near a school or park
- Creates a new crime for those who knowingly provide a dwelling used for drug deliveries and for those who possess drugs and a handgun or semi-automatic weapon at the same time

"Our police departments are in our communities every day working to keep our neighborhoods safe," said Delaware State Police Superintendant Colonel Robert M. Coupe. "This legislation will improve law enforcement's efforts to effectively investigate and charge drug offenses. This legislation came through a diverse committee that was represented by all facets of law enforcement, and the Police Chiefs' Council overwhelmingly supports it because it is a smart step forward in our fight against crime. We thank the Attorney General for his steadfast support and congratulate Rep. George and Sen. McDowell for their leadership on this important legislation and hope for its swift passage."

This bill makes important changes to our criminal justice system," said Charlie Copeland, president of the Board of Directors of the sentencing reform group Stand Up for What is Right and Just. "It addresses the needs of law enforcement and need to help rehabilitate non-violent offenders."

Sen. Harris B. McDowell III, D-Wilmington North, the bill's chief Senate sponsor, thanked the Attorney General's office, law enforcement, and other stakeholders for coming together on this bill. "I want to congratulate the House for acting on this very, very important reform of our criminal justice system. We have allowed this capricious and arbitrary sentencing system to go on for far too long. Justice requires that a prudent jurist be able to review all the relevant facts when passing sentence."

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